



DNI Announces the Release of Additional Documents Related to Collection Activities Authorized by President George W. Bush Shortly After the Attacks of Sept. 11

May 6, 2014

Yesterday the Director of National Intelligence released additional documents related to the intelligence-gathering activities authorized by President George W. Bush shortly after the attacks of Sept. 11 and subsequently transitioned to authority of the Foreign Intelligence Surveillance Act.

On Dec. 20, 2013, the DNI declassified and acknowledged the presidentially-authorized activities, and his public statement on Dec. 21, 2013, provided the previously classified history of the program, which authorized the National Security Agency to collect: (1) the contents of certain international communications, a program that was later referred to as the Terrorist Surveillance Program, and (2) telephony and Internet non-content information (referred to as "metadata") in bulk, subject to various conditions.

After President Bush acknowledged the TSP in December 2005, two suits were filed against the United States and U.S. government officials challenging alleged NSA activities authorized by President Bush after 9/11. Those suits are still pending in the Northern District of California. In response, the U.S. government, through classified and unclassified declarations by the DNI and NSA, asserted the state secrets privilege and the DNI's authority under the National Security Act of 1947, as amended, to protect intelligence sources and methods. Following the unauthorized and unlawful release of classified information about the Section 215 and Section 702 programs in June 2013, the court directed the U.S. government to explain the impact of declassification decisions since June 2013 on the national security issues in the case, as reflected in the U.S. government's state secrets privilege assertion. The court also ordered the U.S. government to review for declassification prior classified state secrets privilege and intelligence sources and methods declarations in the litigation, and to file redacted, unclassified versions of those documents with the court.

On Dec. 20, 2013, the DNI declassified and publicly released eight previously classified DNI and NSA declarations that were filed in support of the U.S. government's prior assertions of the state secrets privilege and sources and methods privilege in the above-mentioned litigation. Yesterday the DNI released an additional 10 previously classified DNI, NSA, and attorney general declarations, which are posted on the Office of the Director of National Intelligence website and IConTheRecord.tumblr.com, the public website dedicated to fostering greater public visibility into the intelligence activities of the U.S. government. Some information has been redacted from the declarations to protect information that remains properly classified for national security reasons and because of the great harm to national security if disclosed.

Office of the Director of National Intelligence Public Affairs



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Documents:

- [DNI Negroponte 2006 Hepting State Secrets Declaration](#)
- [DNI Negroponte 2006 Hepting Supplemental State Secrets Declaration](#)
- [DNI McConnell 2007 MCI & Hepting State Secrets Declaration](#)
- [DNI Clapper 2013 Jewel/Shubert State Secrets Declaration](#)
- [NSA Alexander 2006 Hepting Declaration](#)
- [NSA Black 2006 Hepting Declaration](#)
- [NSA Alexander 2007 MCI & Verizon Declaration](#)
- [NSA Fleisch 2013 Jewel/Shubert Declaration](#)
- [NSA Shea 2014 Jewel/First Unitarian Declaration](#)
- [AG Mukasey 2008 Declaration](#)